

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

IN RE: C.R. BARD, INC., PELVIC REPAIR
SYSTEM PRODUCTS LIABILITY LITIGATION

MDL NO. 2187

IN RE: AMERICAN MEDICAL SYSTEMS, INC.
PELVIC REPAIR SYSTEMS PRODUCTS
LIABILITY LITIGATION

MDL NO. 2325

IN RE: BOSTON SCIENTIFIC CORP., PELVIC
REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION

MDL NO. 2326

IN RE: ETHICON, INC., PELVIC REPAIR SYSTEM
PRODUCTS LIABILITY LITIGATION

MDL NO. 2327

IN RE: COLOPLAST CORP., PELVIC REPAIR
SYSTEM PRODUCTS LIABILITY LITIGATION

MDL NO. 2387

IN RE: COOK MEDICAL, INC., PELVIC REPAIR
SYSTEM PRODUCTS LIABILITY LITIGATION

MDL NO. 2440

IN RE: NEOMEDIC PELVIC REPAIR SYSTEM
PRODUCT LIABILITY LITIGATION

MDL NO. 2511

This Document Relates To All Cases

Declaration of Adam M. Slater

Adam M. Slater, pursuant to 18 U.S.C. §1746, makes this declaration under penalty of perjury:

1. I am a partner in the law firm of Mazie Slater Katz & Freeman, LLC (“Mazie Slater”). This Declaration is based upon my personal knowledge.

2. I was called by Tom Cartmell in late 2013 and asked if I would conduct the deposition of Ethicon’s designated medical affairs corporate representative on the TVT products, Piet Hinoul, on behalf of the MDL. The deposition was scheduled for January, 2014 and went forward over the course of three days at an Embassy Suites Hotel in Blue Ash, Ohio. The deposition was conducted on January 13, 14, and 15, 2014, and was defended by William Gage, Esq., of Butler Snow. The MDL sent an attorney, Kirk Goza, Esq., but he did not ask any questions. Other firms had associates listen to the deposition on the telephone but none asked any questions, although they likely were given credit for that time (another example for why we need access to the complete submissions of all firms, and the analysis thereof by the FCC, to scrutinize such entries and credit).

3. The entire deposition was devoted to the TVT products. I questioned Dr. Hinoul on all three days, with Mr. Gage questioning for a short time at the end of the third day. The FCC’s statement that I questioned Dr. Hinoul regarding the Prolift on day one of the deposition, and that other MDL plaintiff attorneys questioned Dr. Hinoul on the second and third days is untrue. This is all demonstrated by the deposition transcripts attached hereto as Exhibit 1, which demonstrate who questioned the witness on each day, and contain all the testimony elicited. The list of exhibits utilized during the deposition, set forth at the start of each transcript, and the actual testimony, further demonstrates the focus on the TVT, the complexity and mass quantity of material covered in depth, and the quality of the work product.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 15, 2019



Adam M. Slater, Esq.
Mazie Slater Katz & Freeman, LLC
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Exhibit 1

1 UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
3 CHARLESTON DIVISION

4 -----
5 IN RE: ETHICON, INC.,
6 PELVIC REPAIR SYSTEMS MDL No. 2327
7 PRODUCTS LIABILITY LITIGATION
8 -----

9
10 THIS DOCUMENT RELATES TO: ALL CASES
11 -----
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13
14
15 CONFIDENTIAL - SUBJECTIVE TO PROTECTIVE ORDER
16
17

18 VIDEOTAPED DEPOSITION OF

19 PIET HINOUL, MD
20
21

22 VOLUME 3
23

24 January 13, 2014
25

26 REPORTED BY: LANCE A. BOARDMAN
27 -----

28 GOLKOW TECHNOLOGIES, INC.
29 877.370.377 ph|917.591.5672 fax
30 deps@golkow.com

<p style="text-align: right;">Page 732</p> <p>1 Videotaped Deposition of PIET HINOUL, 2 MD, Volume 3, taken pursuant to Notice, 3 before Lance A. Boardman, a Shorthand 4 Reporter and Notary Public in and for the 5 State of Ohio, on Monday, January 13, 2014, 6 at the Embassy Suites Cincinnati Northeast 7 Hotel, 4554 Lake Forest Drive, Blue Ash, Ohio 8 45242, commencing at 9:20 a.m. 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 734</p> <p>1 A P P E A R A N C E S (CONT'D): 2 3 The following counsel appeared via telephone: 4 5 FREESE & GOSS 6 BY: CALLE MENDENHALL, ESQUIRE 7 Regions Harbert Plaza 8 1901 6th Avenue North, Suite 3120 9 Birmingham, Alabama 35203 10 205.871.4144 11 calle@freeseandgoss.com 12 Representing Plaintiffs 13 14 FREEARK, HARVEY & MENDILLO, P.C. 15 BY: RANSUM P. WULLER, ESQUIRE 16 115 West Washington Street 17 P.O. Box 546 18 Belleville, Illinois 62222 19 618.233.2686 20 Representing Dr. Elizabeth Beyer-Nolen and 21 Heartland Women's Health 22 23 BOYCE SCHAEFFER LLP 24 BY: MELISSA A. KEDDINGTON, ESQUIRE 25 500 Esplanade Drive, Suite 560 Oxnard, California 93036 805.988.9200 mkeddington@boyceschaefferlaw.com Representing Hun T. Luu, MD V I D E O G R A P H E R : MELINDA SINDIONG JEFF SINDIONG, Golkow Technologies, Inc.</p>
<p style="text-align: right;">Page 733</p> <p>1 A P P E A R A N C E S : 2 3 MAZIE SLATER KATZ & FREEMAN 4 BY: ADAM M. SLATER, ESQUIRE 5 103 Eisenhower Parkway, 2nd Floor 6 Roseland, New Jersey 07068 7 973.228.9898 8 aslater@mskf.net 9 Representing Plaintiffs 10 11 GOZA & HONNOLD, LLC 12 BY: KIRK GOZA, ESQUIRE 13 11150 Overbrook, Suite 250 14 Leawood, Kansas 66211 15 913.486.0696 16 kgoza@gohonlaw.com 17 Representing Plaintiffs 18 19 BUTLER SNOW LLP 20 BY: WILLIAM M. GAGE, ESQUIRE 21 MICHAEL L. BROWN, ESQUIRE 22 Post Office Box 6010 23 1020 Highland Colony Parkway, Suite 1400 24 Ridgeland, Mississippi 39157 (39158-6010) 25 601.585.4561 william.gage@butlersnow.com michael.brown@butlersnow.com Representing Defendants and the Witness The following counsel appeared via telephone: WAGSTAFF & CARTMELL LLP BY: ANDREW N. FAES, ESQUIRE Wagstaff & Cartmell LLP 4740 Grand Avenue, Suite 300 Kansas City, Missouri 64112 816.701.1176 afaes@wcllp.com Representing Plaintiffs</p>	<p style="text-align: right;">Page 735</p> <p>1 I N D E X 2 PIET HINOUL, MD 3 January 13, 2014 4 5 Examination By Page 6 Mr. Slater - Cross 739 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>

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1	DEPOSITION EXHIBITS	
2	PIET HINOUL, MD	
3	January 13, 2014	
4	Exhibits	Page
5	T-3477 Issue Report, TVT Retropubic	750
6	1999-2000, Bates-stamped	
7	ETH.MESH.02621143-6	
8	T-3478 Issue Report, TVT Retropubic	757
9	1999-2000, Bates-stamped	
10	ETH.MESH.02620964-8	
11	T-3479 E-mail(s), dated 11/30/00,	779
12	Bates-stamped	
13	ETH.MESH.05529653	
14	T-3480 E-mail(s), dated 2/20/03,	813
15	Bates-stamped	
16	ETH.MESH.03911107-8	
17	T-3481 "Patient-Contacting Material	819
18	Identification, Continued,"	
19	Bates-stamped	
20	ETH.MESH.08476285-7	
21	T-3482 Cochrane Review entitled	855
22	"Minimally invasive	
23	synthetic suburethral sling	
24	operations for stress	
25	urinary incontinence in	
	women"	
	T-3483 An NEJM article entitled	947
	"Retropubic versus	
	Transobturator Midurethral	
	Slings for Stress	
	Incontinence"	
	T-3484 E-mail(s), dated 8/17/00,	984
	Bates-stamped	
	ETH.MESH.10216874-5	
	T-3485 E-mail to AUGS members sent	1002
	1/7/14	

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1	DEPOSITION EXHIBITS (CONT'D)	
2	PIET HINOUL, MD	
3	January 13, 2014	
4	Exhibits	Page
5	T-3486 AUGS and SUFU Position	1003
6	Statement on Mesh	
7	Midurethral Slings for	
8	Stress Urinary Incontinence	
9	T-3487 An article entitled "The	1103
10	Argument for Lightweight	
11	Polypropylene	
12	Mesh in Hernia Repair,	
13	Bates-stamped	
14	ETH.MESH.01424029-35	
15	The following previously marked exhibit was	
16	referenced herein: 1276.	
17		
18		
19		
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21		
22	CERTIFICATE	1131
23	ACKNOWLEDGMENT OF DEPONENT	1132
24	ERRATA	1133
25	LAWYER'S NOTES	1134

Page 738

1	THE VIDEOGRAPHER: We are now
2	on the record. My name is Melinda
3	Sindiong. I'm the videographer for
4	Golkow Technologies.
5	Today is January 13th, 2014.
6	The time is 9:20.
7	The video deposition is being
8	held in Cincinnati, Ohio, in the
9	matter of Ethicon, Incorporated,
10	Pelvic Repair System Products
11	Liability Litigation for the United
12	States District Court for the Southern
13	District of West Virginia, Charleston
14	Division.
15	The deponent is Piet Hinoul,
16	and this is the beginning of disk 1.
17	The counsel will be noted on
18	the stenographic record.
19	The court reporter is Lance
20	Boardman and will now swear in the
21	witness.
22	-----
23	PIET HINOUL, MD,
24	being again duly sworn, as hereinafter
25	certified, testifies and says further as

Page 739

1	follows:
2	-----
3	CROSS-EXAMINATION
4	BY MR. SLATER:
5	Q. Good morning, Dr. Hinoul.
6	A. Good morning.
7	Q. We've met before.
8	A. We have.
9	Q. And we've sat through similar
10	proceedings.
11	Do I need to go through the
12	instructions of how we're going to proceed
13	here today?
14	A. Not necessarily, unless you've
15	changed them.
16	Q. The only thing I'll ask you,
17	just to make sure we're up to date because we
18	haven't seen each other in a while, is for
19	you to answer every question truthfully and
20	directly. If you could do that for us,
21	please.
22	A. Absolutely.
23	Q. If you have a question of me
24	when I ask a question, because you don't feel
25	you can answer truthfully because, for

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1 UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
3 CHARLESTON DIVISION

4 -----
5 IN RE: ETHICON, INC., MDL No. 2327
6 PELVIC REPAIR SYSTEMS
7 PRODUCTS LIABILITY LITIGATION
8 -----

9
10 THIS DOCUMENT RELATES TO: ALL CASES
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19 VIDEOTAPED DEPOSITION OF

20 PIET HINOUL, MD
21
22

23 VOLUME 4
24
25

January 14, 2014

26 REPORTED BY: LANCE A. BOARDMAN
27 -----

28 GOLKOW TECHNOLOGIES, INC.
29

30 deps@golkow.com

Page 1136

1
 2 Videotaped Deposition of PIET HINOUL,
 3 MD, Volume 4, taken pursuant to Notice,
 4 before Lance A. Boardman, a Shorthand
 5 Reporter and Notary Public in and for the
 6 State of Ohio, on Tuesday, January 14, 2014,
 7 at the Embassy Suites Cincinnati Northeast
 8 Hotel, 4554 Lake Forest Drive, Blue Ash, Ohio
 9 45242, commencing at 9:16 a.m.
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Page 1138

1 A P P E A R A N C E S (CONT'D):
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 19 rwuller@freeark.com
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 21 Heartland Women's Health
 22
 23 BOYCE SCHAEFFER LLP
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 Representing Hun T. Luu, MD

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 MELINDA SINDIONG,
 Golkow Technologies, Inc.

Page 1137

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 14 Leawood, Kansas 66211
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 19 BUTLER SNOW LLP
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 Representing Plaintiffs

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1 I N D E X
 2 PIET HINOUL, MD
 3 January 14, 2014
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 5 Examination By Page
 6 Mr. Slater - Cross (Cont'd) 1143
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1	DEPOSITION EXHIBITS	
2	PIET HINOUL, MD	
3	January 14, 2014	
4	Exhibits	Page
5	T-3488	TVT IFU effective from 2000 1156
6	to 2003, Bates-stamped	
7	T-3489	ETH.MESH.05225380-4 1176
8	TVT IFU effective from 2010	
9	to the present, Bates-stamped	
10	T-3490	ETH.MESH.03427879-83 1200
11	AUA Position Statement on	
12	the Use of Vaginal Mesh For	
13	the Surgical Treatment of	
14	Stress Urinary Incontinence	
15	T-3491	AUA Guideline For the 1223
16	Surgical Management of	
17	Female Stress Urinary	
18	incontinence: Update (2009)	
19	T-3492	An article entitled "Novel 1359
20	Surgical Technique for the	
21	Treatment of Female Stress	
22	Urinary Incontinence:	
23	Transobturator Vaginal Tape	
24	Inside-Out"	
25	T-3493	E-mail(s), dated 1/7/09, 1382
	Bates-stamped	
	ETH.MESH.01202101-03	
	T-3494	Ward and Hilton paper 1395
	entitled "Novel Surgical	
	Technique for the Treatment	
	of Female Stress Urinary	
	Incontinence: Transobturator	
	Vaginal Tape Inside-Out"	
	T-3495	Ward and Hilton final study 1407
	report	

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1	DEPOSITION EXHIBITS (CONT'D)	
2	PIET HINOUL, MD	
3	January 14, 2014	
4	Exhibits	Page
5	T-3496	E-mail(s), dated 6/01/01, 1419
6	Bates-stamped	
7	T-3497	ETH.MESH.05494064-6 1427
8	Letter from Ulmsten to	
9	Isenberg, Bates-stamped	
10	T-3498	ETH.MESH.00400954-6 1429
11	Memorandum dated 7/30/98	
12	T-3499	KOL Interview; Carl G. 1438
13	Nilsson, Project Scion, held	
14	6/18/08 (Bates numbers	
15	illegible)	
16	T-3500	E-mail(s), dated 8/28/06, 1462
17	Bates-stamped	
18	ETH.MESH.08334424	
19	T-3501	LCM Project, Photographs 1463
20	Comparing Laser Cut Mesh vs	
21	Mechanical Cut Mesh	
22	T-3502	Handwritten notes from 1471
23	Project 16210, dated	
24	9/22/87, Bates-stamped	
25	T-3503	DEPO.ETH.MESH.00000367-8 1478
	Ten Year In Vivo Suture	
	Study Scanning Electron	
	Microscopy Five Year Report,	
	dated 8/10/90, Bates-stamped	
	ETH.MESH.11336474-87	
	T-3504	Meeting agenda (Bates 1483
	numbers illegible)	
	T-3505	Patient brochure for the 1492
	Gynecare TVT mesh family of	
	products (2012), Bates-stamped	
	ETH.MESH.09744858-63	

Page 1142

1	DEPOSITION EXHIBITS (CONT'D)	
2	PIET HINOUL, MD	
3	January 14, 2014	
4	Exhibits	Page
5	T-3506	Ethicon Evidence Generation 1514
6	Strategy for Gynecare TVTO-PA	
7	Obturator, Bates-stamped	
8	T-3507	ETH.MESH.10489347-58 1500
9	A document entitled	
10	"Deposition Subject Matter"	
11	T-3508	FDA 510(k) Premarket 1524
12	Notification for Gynecare	
13	TVTO-PA Continence System,	
14	Bates-stamped	
15	ETH.MESH.03658927-9180	
16	T-3509	Letter from Pollard to Lin, 1537
17	date-stamped 2/11/11,	
18	Bates-stamped	
19	ETH.MESH.00206974-81	
20	T-3510	Two letters between Ethicon 1546
21	and the FDA, dated 8/4/11	
22	and 3/8/11 respectively,	
23	Bates-stamped	
24	ETH.MESH.07455424-5	
25	T-3511	TVTOPAC Cadaver Lab Report, 1553
	April 22, 2011, Bates-stamped	
	ETH.MESH.02218436-9	
	T-3512	E-mail(s), dated 4/10/11, 1555
	Bates-stamped	
	ETH.MESH.09982887-8	
	The following previously marked exhibits were	
	referenced herein: 316, 322, 494, 499, 3258,	
	3325, and 3326.	
	CERTIFICATE	1566
	ACKNOWLEDGMENT OF DEPONENT	1567
	ERRATA	1568
	LAWYER'S NOTES	1569

Page 1143

1	THE VIDEOGRAPHER: We are now	
2	going on record in the deposition of	
3	Piet Hinoul. This is the beginning of	
4	disk 1, and the time is 9:16.	
5	-----	
6	PIET HINOUL, MD,	
7	being previously duly sworn, as hereinafter	
8	certified, testifies and says further as	
9	follows:	
10	-----	
11	CROSS-EXAMINATION (CONT'D)	
12	BY MR. SLATER:	
13	Q.	Okay. Ready to continue?
14	A.	Absolutely.
15	Q.	The mesh in the TVT elicits an
16	inflammatory reaction, correct?	
17	A.	As do all foreign bodies, yes.
18	Q.	The inflammatory reaction
19	elicited by the TVT is chronic, correct?	
20	A.	No. The inflammatory
21	reaction -- well, we would call that more a	
22	foreign body reaction.	
23	The inflammatory reaction from	
24	a clinical perspective is where we think	
25	about anything that causes fever, white blood	

1 UNITED STATES DISTRICT COURT
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7 PRODUCTS LIABILITY LITIGATION
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16 VIDEOTAPED DEPOSITION OF

17 PIET HINOUL, MD

18 VOLUME 5

19 January 15, 2014
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22

23 REPORTED BY: LANCE A. BOARDMAN
24 - - -

25 GOLKOW TECHNOLOGIES, INC.
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Page 1571

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 2 Videotaped Deposition of PIET HINOUL,
 3 MD, Volume 5, taken pursuant to Notice,
 4 before Lance A. Boardman, a Shorthand
 5 Reporter and Notary Public in and for the
 6 State of Ohio, on Wednesday, January 15,
 7 2014, at the Embassy Suites Cincinnati
 8 Northeast Hotel, 4554 Lake Forest Drive, Blue
 9 Ash, Ohio 45242, commencing at 9:33 a.m.
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Page 1572

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Page 1573

1 **A P P E A R A N C E S (CONT'D):**
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 3 The following counsel appeared via telephone:
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 19 rwuller@freeark.com
 20 Representing Dr. Elizabeth Beyer-Nolen and
 21 Heartland Women's Health
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 23 **BOYCE SCHAEFFER LLP**
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 Representing Hun T. Luu, MD
 V I D E O G R A P H E R :
 MELINDA SINDIONG,
 Golkow Technologies, Inc.

Page 1574

1 **I N D E X**
 2 **PIET HINOUL, MD**
 3 **January 15, 2014**
 4
 5 **Examination By** **Page**
 6
 7 **Mr. Slater - Cross (Cont'd)** **1579**
 8
 9 **Mr. Gage - Direct** **1761**
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Page 1575		Page 1577	
1	DEPOSITION EXHIBITS	1	DEPOSITION EXHIBITS (CONT'D)
2	PIET HINOUL, MD	2	PIET HINOUL, MD
3	January 15, 2014	3	January 15, 2014
4	Exhibits	4	Exhibits
5	T-3513 TVT-World-Wide Observational Registry For Long-Term Data, 1579	5	T-3528 E-mail(s), dated 4/5/13, 1793
6	ETH.MESH.00539862-98	6	Bates-stamped
7	T-3514 Clinical Registry Report, 1686	7	ETH.MESH.08307644, with
8	TVT-World-Wide Observational Registry For Long-Term Data, dated 10/12/11, Bates-stamped	8	attached "native format" document
9	ETH.MESH.04500235-58	9	T-3529 An article entitled "Seventeen Years' Follow-Up of the Tension-Free Vaginal Tape Procedure For Female Stress Urinary Incontinence" 1796
10	T-3515 The TVT Worldwide Observational Registry for Long-Term Data: Safety and Efficacy of Suburethral Sling Insertion Approaches for Stress Urinary Incontinence in Women 1694	10	T-3530 An article entitled "Tension-free Vaginal Tape for the Treatment of Urodynamic Stress Incontinence: Efficacy and Adverse Effects at 10-Year Follow-Up" 1799
11	T-3516 Scandinavian Multicenter Study of the Tension Free Vaginal Tape Procedure, Clinical Report, Bates-stamped	11	T-3531 An article entitled "Long-term efficacy of the tension-free vaginal tape procedure for the treatment of urinary incontinence" 1801
12	ETH.MESH.00371587-94	12	T-3532 An article entitled "Tension-free vaginal tape procedure without preoperative urodynamic examination: Long-term outcome" 1802
13	T-3517 An article entitled "A Multicenter Study of Tension-Free Vaginal Tape (TVT) for Surgical Treatment of Stress Urinary Incontinence." Bates-stamped	13	T-3533 An article entitled "Long-term follow-up of the retropubic tension-free vaginal tape procedure" 1804
14	ETH.MESH.00145085-8	14	
15	T-3518 An article entitled "The Lightweight and Large Porous Mesh Concept For Hernia Repair." Bates-stamped	15	
16	ETH.MESH.02148446-59	16	
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1	DEPOSITION EXHIBITS (CONT'D)	1	DEPOSITION EXHIBITS (CONT'D)
2	PIET HINOUL, MD	2	PIET HINOUL, MD
3	January 15, 2014	3	January 15, 2014
4	Exhibits	4	Exhibits
5	T-3519 E-mail(s), dated 3/14/12, 1733	5	T-3534 A document entitled "ICS Fact Sheets; A Background to Urinary and Faecal Incontinence" 1816
6	Bates-stamped	6	
7	ETH.MESH.04938061-6	7	
8	T-3520 E-mail(s), dated 1/28/09, 1751	8	T-3535 FDA document re: Considerations about Surgical Mesh for SUI 1819
9	Bates-stamped	9	
10	ETH.MESH.07181044	10	T-3536 E-mail(s), dated 10/01/08, 1823
11	T-3521 A spreadsheet of adverse event reports from the TVT World Registry 1751	11	Bates-stamped
12	T-3522 E-mail(s), dated 1/28/09, 1754	12	ETH.MESH.01746858-61
13	Bates-stamped	13	
14	ETH.MESH.03208548-9	14	The following previously marked exhibits were referenced herein: T-713 and T-1230
15	T-3523 Communication Plan to close TVT World Registry, Bates-stamped	15	
16	ETH.MESH.00533283-6	16	
17	T-3524 TVT-World-Wide Observational Registry For Long-Term Data, Bates-stamped	17	
18	ETH.MESH.00533250-6	18	
19	T-3525 An article entitled "Long-term Efficacy of Burch Colposuspension: A 14-Year Follow-Up Study" 1775	19	
20	T-3526 An article entitled "Burch Colposuspension: A 10-20 Year Follow-Up" 1779	20	
21	T-3527 Clinical Evaluation Report for the Gynecare TVT Family of Products, released 7/19/13, Bates-stamped	21	CERTIFICATE 1839
22	ETH.MESH.10683482-816	22	ACKNOWLEDGMENT OF DEPONENT 1840
23		23	ERRATA 1841
24		24	LAWYER'S NOTES 1842
25		25	